Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations	)	MB Docket No. 03-185
	)	
To: The Commission	)	

COMMENTS OF VERMONT EDUCATIONAL TELEVISION

Vermont Educational Television ("VETV") is licensee of four full power noncommercial broadcast stations in Vermont and two translators that serve areas not reached by VETV's full power stations.[1] VETV provides these Comments to stress the important role digital translators can serve in providing local content and information to areas not adequately served by full power stations. In this proceeding, the Commission should take the opportunity to recognize the capability of digital translators and provide the regulatory flexibility necessary for translator operators to contribute to localism in a manner in which analog translators cannot. Further, VETV supports the Commission's proposal for giving low power analog incumbents priority in authorizing new low power stations for the digital conversion. The opportunity for a

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[1] VETV's full power stations are: WETK-TV (Ch. 33, Burlington)/WETK-DT (Ch. 32, application pending); WVTA-TV (Ch. 41, Windsor)/WVTA-DT (Ch. 24, STA & CP); WVTB-TV (Ch. 20, St. Johnsbury)/WVTB-DT (Ch. 18); WVER-TV (Ch. 28, Rutland)/WVER-DT (Ch. 56, petition for rulemaking to substitute Ch. 9). VETV's two translators are: W36AX (Ch. 36, Manchester, Bennington, and Dorset), and W53AS (Ch. 53, Pownal and North Bennington).

second channel, if available, is necessary for an efficient, smooth, and orderly digital transition that provides as much continuity of service as possible.

I. DIGITAL TRANSLATORS NEED REGULATORY RELIEF TO ENABLE THEM TO SERVE THEIR LOCAL COMMUNITIES

A. The Translator's Role in the Analog World

TV Translator Stations ("translators") provide the programming of full power stations to the public in areas the full power station's signal cannot reach. A translator receives the signal of a full power station and retransmits it on another frequency to the translator's licensed community. A translator is not currently permitted to originate *any* programming. It can only insert local messages (up to 30 seconds-per-hour) for local public service announcements and may insert emergency warnings. In the analog environment, therefore, the translator plays an important role in providing over-the-air free broadcasts to areas not reached by a full power station, but does not provide any truly local content to its communities.

B. The Translator's Additional Technical Capabilities in the Digital World

The payload capacity of a translator's digital channel will give the translator the technical capability to serve both its traditional role and contribute a local voice to underserved regions of the country. The 6 MHz television channel is capable of broadcasting multiple streams of video, audio, or Ancillary & Supplemental ("A&S") services. With this additional capacity, a translator can serve its current role of passing on the programming of a full power station while also providing uniquely local services to the public in areas of the country not reached by the full power station's signal. While digital translators will have this technical capability, they need the Commission's rules to reflect the new environment, giving translators the regulatory relief and flexibility to best serve their communities.

C. Regulatory Relief for Translators

Because a digital translator will have the technical ability to originate programming and services broadcast on alternate digital streams, the Commission should institute new rules that permit such local origination. In the analog world, the 30-second-per-hour restriction on local origination may well have been justified to ensure a translator sent to its community the programming of the full power station. In the digital world these two services—locally originated programming and programming from a full power station—do not have to be mutually exclusive.

The Commission should permit a translator to originate its own programming and A&S services. Translators serve communities where the full service station's signal does not reach. The full power station could use digital translators to better serve these often rural communities. VETV, for instance, would like to have the ability to use the excess capacity on its translators to provide services that aid public safety, including the amber alert system. It would also like to work with the Vermont Department of Education and the Office of Secretary of State to develop programming and A&S services that meet local, public interest needs.

While a translator will have the technical capability to offer these additional services on its excess capacity when the DTV station is broadcasting only a standard definition digital signal, it may at other times need the regulatory authority to either alter the primary video signal of the DTV station or not pass through one or more of the DTV station's multi-cast programming or A&S services. When DTV stations broadcast programming in high definition ("HDTV"), there will be less, and perhaps insufficient, excess capacity on the channel to deliver additional signals with programming or other content. When a translator passes through HDTV programming from a DTV station, it will have the same limitations and may not be able to offer local services at the same time. A translator should have the regulatory authority to convert an

HDTV signal to a standard definition digital signal, with the consent of the DTV station, if the local programming or services the translator provides better serve the public interest of the local community than keeping the primary signal in HDTV.

DTV stations broadcasting in standard definition may fill the rest of their channel's capacity with multi-cast programming or A&S services. A translator should have the flexibility to decide, in conjunction with the DTV station, to distribute its own originated programming or other services instead of those of the DTV station. Again, a translator and DTV station's decision to substitute locally originated streams would be for the purpose of better serving local interests in these underserved areas.

D. Local Message Insertion in Primary Signal

A translator is currently permitted to insert certain local messages over the primary analog signal of the full power station. Providing emergency information over the translator is critically important to the communities served by translators. The emergency messages and notifications crucial to a translator-served community may not be the same as those for the full power stations. One of the communities served by a VETV translator, for instance, is near a nuclear power plant and the emergency notification needs of that community are different than those of the full power station. The Commission should continue to permit local message insertion over the primary broadcast stream of a full power, DTV station so that translators can adequately serve their communities.

E. New Requirements for Low Power Television Stations

In this proceeding, the Commission has proposed imposing on low power television stations ("LPTVs") the same programming and operational requirements that DTV stations and Class A stations face. VETV does not operate any LPTVs, and does not here take a position on whether they should be subject to the same requirements as those stations that enjoy

interference protections. If the Commission does impose these requirements, however, it is important that they apply to LPTVs, and not to translators. Unlike LPTVs, which currently may originate and broadcast programming on their analog channels, the translator's primary role is to help a full service station extend to areas the full power station's signal cannot reach. Translators should be permitted, and indeed encouraged, to offer additional local programming and services on their additional digital capacity, but translators should not face the same requirements as those stations that primarily provide their own programming.

F. Transmission Modes for Digital Translator Broadcasts

The Commission asks whether translator rebroadcasts should be done using heterodyne frequency conversion or through a regenerative mode. Translators should be permitted to decide which of the two systems is most appropriate in their service area. The regenerative mode is more effective in keeping the signal clear when there are multiple hops. The added expense that comes with the regenerative mode, however, is not always warranted.

Translators should also be permitted to be capable of receiving the analog signal of a full power station. During the transition, there may be times when the DTV signal is not functioning properly and translators should be permitted to switch modes to receive the station's analog signal. The translator can then convert the signal to digital for rebroadcast.

II. INCUMBENT ANALOG PROVIDERS OF LOW POWER SERVICE SHOULD HAVE PRIORITY ACCESS TO A SECOND CHANNEL FOR DIGITAL CONVERSION

Analog low power service providers need access to a second channel for digital conversion, to the extent that spectrum is available, to speed the transition while providing the minimum possible disruption to viewers. As the transition proceeds, the penetration of digital tuners will increase but many viewers of over-the-air translator signals will still only have analog tuners. If low power service providers are made to do an on-channel "flash-cut" from analog to

digital, they will wait until the very end of the transition to avoid losing viewers that do not have digital tuners. Authorizing a second channel will encourage low power service providers to transition more rapidly and increase continuity of service to the viewers.

In addition, analog low power service providers in the upper end of the spectrum will either be forced to vacate their channel or be displaced by new services. A flash-cut is not practical for these providers. All broadcasters must vacate channels 60-69 at the end of the transition. In addition, even if the Commission permits low power service operators to continue to broadcast on channels 52-59, they will face increased prospects of being displaced as new services begin to use this part of the spectrum. For these operators, it is obviously critical that the Commission provide them every opportunity to obtain a second channel for the conversion.

The Commission proposes in this proceeding an authorization system for new digital low power service channels. The proposed system gives incumbent analog providers of low power service the first opportunity to obtain a second channel. Given the lack of available spectrum, and the public interest in awarding second channels to incumbent analog low power service providers in order to hasten the digital transition and maintain continuity of service, VETV supports the Commission's proposed system.

CONCLUSION

The digital environment presents new opportunities and capabilities for the role low power translator stations can play in serving their local communities. In this proceeding, the Commission should amend its rules in recognition of the unique opportunities presented by digital technology. The new rules should provide translators with programming flexibility to meet community needs.

Respectfully submitted,

/s/

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